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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,439	12/27/2001	Marc Wallois	Q67908	1582

7590 10/12/2005

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

PHAM, BRENDA H

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,439

Applicant(s)

WALLOIS ET AL.

Examiner

Brenda Pham

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,10-13,16,17,20 and 21 is/are rejected.
- 7) ☐ Claim(s) 2,4-9,14,15,18,19,22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 are currently pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 10-13, 16-17, 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (US 6,883,023 B1).

Claims 1, 3, 12-13, Wang et al discloses a portable appliance and method of synchronizing data between a computer and a portable appliance interconnected by a serial link, the method comprising the steps of: the computer using a protocol to send a command over the serial link to cause protocol to be changed by specifying a proprietary protocol to be used for synchronization purposes; the portable appliance sending a response to the computer indicating that it has changed to the specified proprietary synchronization protocol; and the data in the portable appliance and the computer is synchronized using the specified proprietary synchronization protocol (column 19 and 20, lines 1-67 and 1-55, respectively.)

Although Wang et al does not teach the computer using an AT protocol, it is well known in the art that AT protocol is using in computer for synchronization purpose in wireless communication network.

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It would have been obvious to those having ordinary skill in the art to implement the system and method of Wang et al using AT protocol.

Claims 10, 11, 16-17, 20-21, Wang et al further teach wherein the portable appliance is a mobile telephone terminal/an organizer.

Allowable Subject Matter

4. Claims 2, 4- 9, 14-15,18-19, 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record does not teach or fairly suggests in combination the portable appliance sending an AT command to the computer indicating that it has changed to AT protocol.

The prior art further fails to teach or fairly suggests in combination wherein the protocol changeover command is an AT+CPROT command.

The prior art further fails to teach or fairly suggests in combination wherein prior to the step of the computer sending a change-of-protocol command, the method comprises the steps of the computer sending an AT command interrogating the portable appliance about the proprietary protocols accepted by the portable appliance; and the portable appliance sending a response to the computer specifying the accepted proprietary protocols.

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kruglikov et al (US 6,205,448 B1) discloses method and apparatus of synchronizing two computers system supporting multiple synchronization techniques.

Beyda et al (US 6,240,426 B1) disclose method and apparatus for synchronizing information between a mobile device and a data collection device through a telephone switching network.

Alam et al (US 6,324,544 B1) discloses file object synchronization between a desktop computer and a mobile device.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

September 28, 2005

Brenda Pham

A handwritten signature in black ink that reads "Brenda A. Pham". The signature is written in a cursive style with a large, stylized "B" and "P".